IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT APPEAL No.916 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30-03-2005 in W.V.M.P.No. 449 of 2005 in W.P.M.P.No. 28459 of 2004 in W.P. No.21790 OF 2004 on the file of the High Court.)

Between:

1) The Divisional Forest Officer, Nellore.

2) The Forest Range Officer, Venkatagiri.

..... APPELLANTS

AND

1) M/s. Coramandal Mineral PVT Limited,

Rep. by its Director Smt. Sushma Singhavi,
W/o. Surendra Singhavi, aged about 40 years,

Regd. Office: III Lane, Pitchireddithipu,
Naidupet 524 126.

2) The Assistant Director of Mineral & Geology, Nellore.

3) The Mandal Revenue Officer, D.V. Satram Mandal.

.....RESPONDENTS

Counsel for the Appellants: G.P. for Forests
Counsel for Respondent No.1: Mr. G. Ravi Mohan
Counsel for Respondents 2 & 3: G.P. for Mines & Geology

The Court made the following :

JUDGMENT:(Per Hon'ble Sri Justice B. Sudershan Reddy)

The impugned order passed by the learned single Judge, dated 30-03-2005, has the effect of virtually deciding the writ petition. Learned single Judge refused to vacate the interim order and accordingly dismissed the vacate stay petition filed by the State which enables the respondent/writ petitioner to carry on the mining operations. The question whether the leased area falls in the Reserved Forest or the same is classified as Konda Poramboke not forming part of the Reserved Forest is required to be gone into in the writ petition.

The interim orders, consequences of which virtually result in disposing of the writ petition cannot be granted by this Court. The balance of convenience also requires that there should be no mining operations during the pendency of the writ petition. The issue is required to be adjudicated on merits.

For the aforesaid reasons, the impugned order under appeal is set aside. In the result, the writ petitioner is not entitled to carry on the mining operations.

The writ petition as directed by the learned single Judge shall be heard and disposed of on its own merits. Liberty is given to the respondent/writ petitioner to make mention for hearing of the writ petition which shall be duly considered by the learned single Judge hearing the writ petition.

It is conceded during the course of hearing of this appeal that the competent

authority has already conducted enquiry into the matter in order to find out as to whether the leased area forms part of the Reserved Forest or not and the report is likely to be submitted within short span of time.

In such view of the matter, it would be appropriate to direct the authorities to finalise the report within two weeks and submit the same for perusal of this Court.

Accordingly, the Writ Appeal is allowed without any order as to costs.

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B. SUDERSHAN REDDY, J

Date:26-04-2005.

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C.V. RAMULU, J

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To

1) The Divisional Forest Officer, Nellore.

2) The Forest Range Officer, Venkatagiri.

3) The Assistant Director of Mines & Geology, Nellore.

4) The Mandal Revenue Officer, D.V. Satram Mandal.

5) Two C.Cs. to G.P. for Forests, High Court of A.P.,
Hyderabad (O.U.T.).

6) Two C.Cs. to G.P. for Mines & Geology, High Court of A.P.,
Hyderabad (O.U.T.).

7) Two C.D. copies.